

No. 18-8367

ORIGINAL

Supreme Court, U.S.
FILED

JUN 06 2018

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Liamar Williams — PETITIONER
(Your Name)

vs.

American Auto Logistics — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of New Jersey
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Liamar Williams
(Your Name)

114 Success Ave.
(Address)

Bridgeport, Connecticut 06610
(City, State, Zip Code)

1-475-988-6689
(Phone Number)

Lamar Williams

Vs.

American Auto Logistics

Questions Presented

My first question is if the decision made by the prior courts constitutional.

My second question is if someone that did not witness or examine anything can bring a opinion into a courtroom; and if that decision can out rule witnesses and evidence.

Sincerely;

Lamar Williams



June 6 2018



LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Lamar William

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Sincerely,

Lamar Williams

June 6, 2018

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November 27, 2018

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix M to the petition and is

- ☐ reported at New Jersey Supreme Court; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the New Jersey Superior Court court appears at Appendix L to the petition and is

- ☐ reported at Appellate Division; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was May 4 2018.
A copy of that decision appears at Appendix M.

☐ A timely petition for rehearing was thereafter denied on the following date: July 27, 2017, and a copy of the order denying rehearing appears at Appendix L.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

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Constitutional and Statutory Provisions involved

1. Intentional infliction Hughes vs. Pair 46 Cal. 4th 1035, 1050 (2009) Page 4
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Statement of the Case

To whom this may concern:

First case was a damage of property case/breach of contract. In the Bergen county courthouse; the case number is BER-DC-31074-10. The Appellate Docket number is A-000774-12. The second Appellate docket number is A-0002375-10T3. The third Appellate docket number is A-003362-16T3. This case has been seen in the Supreme court of New Jersey and the docket number is 07600.

The Second case was a false police report, discrimination and conspiracy lawsuit. The Bergen county court docket number is BER_L-2067-13. The Appellate docket number is A-005129-12.

The reason that I am requesting that this matter receives attention is because I feel that the defendant brought me to court just to violate my constitutional rights. My vehicle was inspected and picked up in Edison New Jersey on March 3, 2010. There was water found on the floor and trunk of my car after I had left American Auto Logistics. I brought the car back to American Auto Logistics. Matthew Cermak and his supervisor inspected my vehicle. They offered me \$500.00 dollars. I did not know how much it would cost to fix my car. I was told to get an estimate(I will label the estimate Appendix A). (I will label American Auto inspection sheet Appendix B)

I turned the estimate into American Auto Logistics claim department; which is located in Park Ridge, New Jersey. The claims department denied my claim. The estimate came up to \$10,600. I offered to settle for \$5,000 dollars. The car was worth \$2,500 dollars in the Kelly Blue Book. I showed the claims department a receipt for \$2,700 dollars that was just spent on the vehicle about 3 months prior to the day I picked up my car from American Auto Logistics. I also notified my insurance company about the damages. My insurer was told by American Auto Logistics that they did not

damage my vehicle. In return my insurance company dropped my policy in fear of an insurance scam.(I will label the claims department denial Appendix C) (I will label USAA acknowledgement of claim and decision they made to drop my policy as Appendix D)

The claims department had never inspected my vehicle. The claims department is not even in the same building where I picked up my vehicle from. The claims department is in Park Ridge, New Jersey and I picked up my vehicle in Edison, New Jersey. I believe that Richard Holland is forcing Matthew Cermack to lie under oath by threatening his job. Matthew agreed to the damages along with a supervisor that was at the building where I picked up my vehicle. Richard Holland works at the claims department. Richard Holland never inspected my vehicle at all. I do not understand how Richard Holland opinion can stand up in a courtroom; when he was never present at all during the inspection.

That is why I feel the intentions of Richard Holland was to violate my constitutional rights. This has been going on for over 8 years. This is called

intentional infliction. *Hughes v. Pair*, 46 Cal. 4th 1035, 1050 (2009)

In my first case Bruce Magraw requested a jury trial. I received an order from the court for a jury demand. The judge denied my jury demand and gave me a bench trial for the first case. The three judges that presided in my first case were Judge Rosa, Judge Toskos and Judge De La Cruz. Judge Rosa tried the case twice. Judge Toskos tried the case once. Judge De La Cruz gave me a jury trial. It took over four years for me to receive a jury trial. My rights are still being violated eight years later. This is a form of obstruction of justice. (title 18, U.S.C., 1940 ed., § 241a) (I will label the jury demand Appendix E) (I will label Judge Rosa order for dismissed Appendix F) (I will label Judge Toskos order for dismissed Appendix G) (I will label Judge De La Cruz order of dismissed Appendix H)

Judge Kenneth J Slomienski presided over my second lawsuit. I was given an order for a jury trial. I paid for one. I requested a jury trial and the judge dismissed the case during the pre-trial. (I will label Judge Slomienski order for dismissed Appendix I)

In the second case I presented the courts with a police report that said, "I was going to hurt people that worked for American Auto Logistics". I did contact American Auto Logistics on that day by phone to see if they would pay me the money they owe. I had never threaten to hurt anyone that works there. Richard Holland denied talking to me. I told his secretary to tell him that he can come outside or I could come in. At the time I said that to his secretary; I was in Connecticut. Richard thought I was physically there and tried to get me arrested. The police officer called me on a home phone in Connecticut. The officer told me on the phone that there was a report about someone trying to kill someone at American Auto Logistics. When I went to court to pick up a copy of the warrant and audio recording; I only received the warrant and was told that the audio needed to be copied. Later on when I tried to get a copy of the audio; I was told that it had been erased. I am aloud all discovery from any case that I am apart of. This is a sign of obstruction of justice and destruction of evidence. (I will label the police report Appendix J)

The jury demands were set forth in front of Judge De La Cruz. The judge told me not to speak about the false police report, nor the fact that I tried to settle with this company before going to trial. Judge De La Cruz also told the jury that the burden of proof is on the plaintiff. The defendant had already admitted to damaging my vehicle. The burden of proof lies on them to prove that they did not damage my vehicle. Under the charge of law on Breach of contract it states,

"To establish a contract claim against another, a party must prove that:

1. The parties entered into a contract containing certain terms.
2. The plaintiff did what the contract required the plaintiff to do.
3. The other party did not do what the contract required them to do. This failure is called a breach of the contract and
4. That other party's breach or failure to do what the contract required caused a loss to the claimant.

I do not understand how a contract with a company agreeing to the damages do not fit the criteria for a guilty verdict. You could refer back to Appendix B.

(I will label the charge of Law on breach of contract Appendix K)

I have been through the appeals process in the Superior court of New Jersey and the Supreme court of New Jersey. (I have labeled the Superior court of New Jersey Appellate division order dismissing the Appeal Appendix L) (I have labeled the Supreme court of New Jersey dismissed Appendix M)

I also contacted the bar association of New Jersey, the ethics committee of New Jersey and the Advisory counsel of New Jersey about this case. The Bar Association said that they do not reply back to any complaints when I spoke to them on the phone. (The ethics committee sent me a letter and I will Label it Appendix N) (The Advisory counsel sent me letter and I will label it Appendix O)

American Auto Logistics has damage my vehicle before this recent situation. I have a copy of the paperwork (I will label it Appendix P). I settled for \$500.00 dollars. The cost to fix the problem was well over \$3,000.00 dollars. I can not afford to keep

paying on something over and over again because of someone else's carelessness.

This case also violates the 8th and 14th amendment to the constitution. The 8th and 14th amendment was solely for federal court cases against the government. In *Robinson vs. California* 370 U.S. 660 the court ruled that it did apply to the states through the Fourteenth Amendment.

Procedural due process is the guarantee of a fair legal process when the government tries to interfere with a person's protected interests in life, liberty, or property, and substantive due process is the guarantee that the fundamental rights of citizens will not be encroached on by government.

Justice Potter Stewart's opinion for the *Robinson* Court held that "infliction of cruel and unusual punishment is in violation of the Eighth and Fourteenth Amendments." The framers of the Fourteenth Amendment, such as John Bingham, had discussed this subject:

"Many instances of State injustice and oppression have already occurred in the State legislation of this Union, of flagrant violations of the guaranteed

privileges of citizens of the United States, for which the national Government furnished and could furnish by law no remedy whatever. Contrary to the express letter of your Constitution, "cruel and unusual punishments" have been inflicted under State laws within this Union upon citizens, not only for crimes committed, but for sacred duty done, for which and against which the Government of the United States had provided no remedy and could provide none."

In *Furman V. Georgia*, 408 U.S. 238 (1972), Justice Brennan wrote, "There are, then, four principles by which we may determine whether a particular punishment is 'cruel and unusual'."



- The "essential predicate" is "that a punishment must not by its severity be degrading to human dignity," especially torture.
- "A severe punishment that is obviously inflicted in wholly arbitrary fashion."
- "A severe punishment that is clearly and totally rejected throughout society."
- "A severe punishment that is patently unnecessary."
-

The Trial Court's decisions in this matter should be reviewed de novo. On the scale of required deference that defines the standard of review, an appellate court owes no deference to the trial court's "interpretation of the law and the legal consequences that flow from established facts..." and, therefore, its review of legal issues is de novo. *Manalpan realty vs. TWP. committee*, 140 N.J. 366, 378 (1995). The appellate court is not bound by the trial court's application of law to the facts or its evaluation of the legal implications of facts where credibility is not an issue. See *Alderiso vs. Medical Center*, 167 N.J. 191, 198-199 (2001); *Belfer Vs. Merling*, 322 N.J. Super. 124, 137 (App. Div. 1999). In this case where the evidence is undisputed as to the Defendant's request for a jury trial and Plaintiff failure to establish a claim, this court owes no deference to the trial Court's legal conclusion dismissed with prejudice. Similarly, this court owes no deference to the trial court's wrongful legal conclusion that Complaint should be dismissed despite the evidence which established Plaintiff vehicle was damaged while it was in Defendant's custody and control.

I am sending this letter to the United States Supreme Court in hopes to get a better understanding of my rights and a decision in my favor. I will like to be compensated for all my troubles. (I am also adding pictures of the damages and will Label it Appendix Q)

Sincerely,
Lamar Williams

June 6, 2018

A handwritten signature in cursive script, appearing to read "Lamar Williams".A handwritten date in cursive script, appearing to read "June 6, 2018".

Lamar Williams

Vs.

American Auto Logistics

Reasons for Granting the Petition

I Lamar Williams feel that the lower courts erred in making their decision in this case. It is not only unconstitutional, it also gives a false sense in reality.

We as Americans live in a democratic state. If by any chance that the laws and provisions are not applied to each and every individual; there will create a great divide between our nation and the principles that so many of its citizens have fought and lost their lives for.

We have seen civil unrest in this country before this country was even formed. European colonialism destroyed Native Americans heritage, families, and natural ways of life.

There has been civil wars fought throughout our country to rectify the states as a union. Even though each state governed under their own laws. They do not have any jurisdiction over constitutional obligations; nor civil rights of every American.

We can not change the past. What we can do is strive for a better future. Dreams will only be dreams if we do not act upon are intestinal fortitude and present ourselves in reality.

Lamar Williams

June 6 2015

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

L. Williams

Date: June 6 2018